

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA
SIXTH DIVISION

In RE:

Bky No.: 04-60106-DDO

Daniel S. Miller,
Debtor.

Adversary Case No. :04-6043

Daniel S. Miller,
Plaintiff,
vs.

ANSWER OF KEY WEST FARMS

Daniel Altepeter, Darral Altepeter, John Altepeter, Peter Anderson, Roger Anderson, Doug Barth, Chuck Bina, Bremer Bank National Association, Monte Casavan, Gregory Driscoll, Dubuque Farming Association, Emmert Farms, Farmers Coop Grain & Seed, Kyle Haake, Roger Hagen, Russ Halverson, Gary Hoper, J&J Gust Farms, J.O. Thorson Farms, Inc., JETN Farms, LLP, Gorman Johnson, Loren Johnson, Walter Johnson, Dan Juneau, Joe Juneau, Charles Kaml, Key West Farms, KO-R Farms, Inc., K-Team, Gary Larson, Lonesome Land, Matco, Inc., David McCollum, McWalter Farms, Inc., James A. Narum, Bradley Nelson, Doyle Nelson, Jeremy J. Nelson, Patrick Noll, Erik Nymann, Nymann Farms, Ose Farms a/k/a Joseph T. Ose, Burl Peckman, Gary Peckman, Pederson Brothers, Peterson Farms, PM Farming, Inc., Hans Reinhardt, Darrold Rodahl, Larry Roisland, Gary Salentiny, Dennis Salentiny, Richard Salentiny, Andrew Spaeth, John Spina, Howard Steinmetz, Matt Thorson, Ronald Thorson, Tri-Mack Potato, Inc., United Grain & Livestock, Erwin Vanek, Dan Wichterman, Steve D. Wollin and Gregory Wollin.

Defendants.

COMES NOW, Key West Farms, by and through its undersigned attorney, as and for its answer to the amended complaint of the Plaintiff states and alleges as follows:

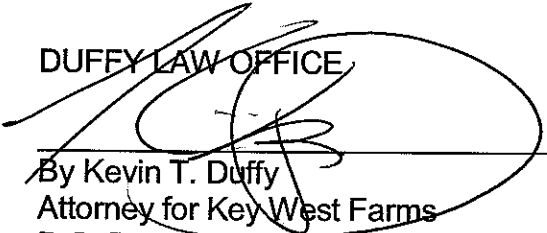
1. The answering Defendant denies each and every allegation statement or assertion contained in said amended complaint unless expressly admitted, qualified or otherwise explained.
2. The answering Defendant admits the allegations contained in paragraphs 1, 3, 4, 5, 6, 7, 8, 9, 25, 32, and 68.
3. The answering Defendant is without a basis to form a belief as to the truth or veracity of the allegation contained in paragraphs 2, 10, 11, 12, 13, 15, 17, 18, 22, 23, 24, 30, 31, 33 through 67, 69 through 116, and 125 through 138.
4. The answering Defendant specifically alleges that the stored grain with the Plaintiff notwithstanding the fact that the Plaintiff claims it did not possess a bond sale to store grain through the State of Minnesota. The Plaintiff would grant the Defendant and other similarly situated farmers 60 days of free storage and than \$.02 per bushel per month thereafter. The Plaintiff would never receive rent storage payments directly. Instead, he would deduct the cost from the price that he provided for the grain in storage.
5. The answering Defendant specifically alleges that it is the owner of 33,530.49 bushels of soybeans and 53,266.83 bushels of wheat as referenced in paragraph 68 of the complaint.
6. The answering Defendant further alleges that it had a bailment arrangement with the Plaintiff as a result of the grain that is stored with the Plaintiff.
7. The answering Defendant specifically denies that the Plaintiff had any ownership interest whatsoever in the soybeans and wheat bushels referred to above in paragraph 68 of the complaint.

WHEREFORE, the Defendant, Key West Farms prays for an Order of the Court as follows:

1. Dismissing the Plaintiff's amended complaint with prejudice.
2. Determining that co-Defendant, Key West Farms is the owner of 33,530.49 bushels of soybeans and 53,266.83 bushels of wheat as referenced in paragraph 68 of the complaint.
3. Determining that co-Defendant, Key West Farms entered into a bailment relationship with the Plaintiff relating to its bushels of soybeans and wheat referred to above.
4. Determining that title to the bushels of soybeans and wheat referred to above never passed to the Plaintiff as a result of the bailment relationship existing between the Plaintiff and Key West Farms.
5. Granting to Key West Farms its attorneys fees, cost and disbursements, and other expenses associated with defending this matter.
6. Granting to Key West Farms such other and further relief as to the Court deems just and equitable.

Dated: July 8, 2004.

DUFFY LAW OFFICE



By Kevin T. Duffy
Attorney for Key West Farms
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Attorney ID #134 600

In RE:

Bky No.: 04-60106-DDO

Daniel S. Miller,

Adversary Case No. :04-6043


VS.

AFFIDAVIT OF MAILING

Defendants.

SEE ATTACHED SERVICE LIST.

Subscribed and sworn to before
me on July 8, 2004.

 **TONYA R. KLEMETSON**
Notary Public
Minnesota
My Commission Expires Jan. 31, 2005

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